

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 04-888 LH (ACE)

DAVID PETTIGREW,

Defendant.

DEFENDANT'S PROPOSED VOIR DIRE

The Defendant, David Pettigrew, through his attorney, Michael A. Keefe, Assistant Federal Public Defender, respectfully requests that the Court allow counsel for the defendant to ask the following questions in his examination of prospective jurors. Counsel will also ask to pursue more detailed questioning if needed for the purpose of determining the full extent of the juror's attitude.

Defendant through his attorney submits the following:

1. Does anyone work for a law enforcement agency? This might include federal, state and local law enforcement such as the Federal Bureau of Investigation, the Albuquerque Police Department, the State Police, the Sheriff's Department or any local law enforcement agency.
2. Does anyone have a relative or family member who works in law enforcement?
3. Does anyone have any close friends who work for a law enforcement agency?
4. Do any of you personally or do you have a close family member who belongs

to an organization which takes an interest in monitoring the DWI legislation or the responses of the courts to driving while intoxicated cases? One example of such an organization might be the Mothers Against Drunk Driving.

5. Is anyone a member of the National Rifle Association?

6. Do you think that police officers are always correct in their perception of events?

Do you think that they always tell the absolute truth when they testify?

A. Why or why not?

7. How do you feel about the laws that prohibit a driver from driving while he or she is intoxicated? Do you feel they are too strong or too weak or just right?

8. Driving while intoxicated is sometimes seen by politicians and by the media as a major problem in New Mexico. Do you agree?

A. If so, what do you think we should do about it?

9. Do you think driving while intoxicated is a problem only in certain areas, or across the entire State of New Mexico?

10. Have any of you been involved in an accident caused by drinking and driving? Do any of you have friends or family members who have been involved in such an accident? Will you be able to put that aside in deciding the issues in this case?

11. Are any of you familiar with the area around Waterflow, New Mexico? The area around Hogback, New Mexico? Shiprock? How many of you have driven on Highway 64 between Farmington and Shiprock, New Mexico? On a regular basis?

12. This case involves a charge of involuntary manslaughter, is there anything about hearing testimony or seeing evidence in such a case that would be difficult for you?

13. The defendant is not required to testify in his own defense. If he does not, the judge may instruct that you are not to draw any inference or conclusions from the fact that he does not testify. Can you think of some reason why a person who is accused of a crime might not choose to testify in their own defense even if they are innocent?

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
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I hereby certify that a true copy of the foregoing pleading was faxed to AUSA Samuel Winder on September 27, 2004.

[electronically filed]

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MICHAEL A. KEEFE
Attorney for Defendant